

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 16, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2028

Introduced by Assembly Member Solorio

February 15, 2008

~~An act to amend Section 12940 of the Government Code, relating to fair employment.~~ *An act to add Section 1031.2 to the Government Code, relating to peace officers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Solorio. ~~Fair employment: medical and psychological examinations.~~ *Peace officers: hiring.*

Existing law requires peace officers to meet specified minimum standards, including being of good moral character, as determined by a thorough background investigation.

~~Under existing law,~~ the Fair Employment and Housing Act, an employer may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but before the commencement of employment duties, provided that the examination or inquiry is job related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

This bill would provide that, ~~in order to be considered bona fide, an employment offer must be based on the collection and consideration of nonmedical and nonpsychological information prior to the requiring~~

~~of a medical or psychological examination or the making of a medical or psychological inquiry, unless the employer or employment agency, in accordance with a thorough background investigation required of all peace officers, may be deferred until after a conditional offer of employment is issued if the employer can demonstrate that it could not have reasonably completed the collection and consideration of the nonmedical and nonpsychological information could not reasonably have been collected prior to issuing the employment offer.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1031.2 is added to the Government Code,
2 to read:
3 1031.2. Consistent with the Americans with Disabilities Act of
4 1990 (Public Law 101-336) and paragraph (3) of subdivision (e)
5 of Section 12940, the collection of nonmedical or nonpsychological
6 information of peace officers, in accordance with a thorough
7 background investigation, as required by subdivision (d) of Section
8 1031, may be deferred until after a conditional offer of employment
9 is issued if the employer can demonstrate that the information
10 could not reasonably have been collected prior to the offer.

11
12
13 All matter omitted in this version of the bill
14 appears in the bill as amended in Senate,
15 July 1, 2008 (JR11)
16